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Report of the Expert Seminar on Human Rights and Extreme Poverty, 7-10 February 2001

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INTRODUCTION

1. At its fifty-sixth session, in its resolution 2000/12 entitled "Human rights and extreme poverty", the Commission on Human Rights requested the Office of the High Commissioner for Human Rights (OHCHR) to organize, before the fifty-seventh session of the Commission, a seminar to consider the need to develop a draft declaration on extreme poverty and, if appropriate, to identify its specific points.

2. Pursuant to this resolution, OHCHR invited government representatives and experts of the United Nations specialized agencies, the United Nations funds and programmes, the relevant functional commissions of the Economic and Social Council, the regional economic commissions, the international financial institutions, the Sub-Commission on the Promotion and Protection of Human Rights and interested non-governmental organizations to a seminar in Geneva from 7 to 9 February 2001.

3. The list of participants is contained in the annex to the present report.

4. Ambassador Thomas Hammarberg of Sweden served as chairman for the seminar. Prof. Vitit Muntarbhorn, Professor of Law, University of Chulalongkorn, Thailand, and Dr. Sigrun Skogly, Lecturer in Law, Lancaster University, United Kingdom, served as rapporteurs.

5. The seminar was organized on the basis of the following agenda:

1. Opening by a representative of OHCHR.

2. Remarks by the Chairperson of the fifty-sixth session of the Commission on Human Rights.

3. Statement by the Chairman.

4. Objectives and usefulness of a draft declaration.

5. The relationship between human rights and extreme poverty.

6. Elements to be included in a draft declaration.

7. Concluding observations by the Rapporteur.

8. Closure of the seminar by the High Commissioner for Human Rights.

6. Following the introductory remarks by the representative of OHCHR and the Chairperson of the fifty-sixth session of the Commission on Human Rights, the Chairman drew attention to the Millennium Declaration in which the General Assembly pledged: "We will spare no effort to free our fellow men, women and children from the abject and dehumanizing conditions of extreme poverty, to which more than a billion of them are currently subjected. We are

committed to making the right to development a reality for everyone and to freeing the entire human race from want."[1] He noted that for the first time, heads of State had recognized explicitly the integral link between the realization of the right to development and poverty reduction.

I. GENERAL OBSERVATIONS ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

7. In the discussion that followed, participants made reference to the link between poverty/extreme poverty and human rights. In particular it was noted that little attention had been given to poverty from the point of view of human rights and that, in spite of the progress made over 50 years to develop a human rights framework, there was still no express link between the two. The Universal Declaration of Human Rights and the two International Covenants on Human Rights make preambular reference to freedom from want and the human rights treaties provided for the right to an adequate standard of living, including adequate food, clothing and housing. But the term "poverty" was not used in any of the major texts - neither in the Universal Declaration, nor in the six main human rights treaties, nor in the Declaration on the Right to Development. It was noted that denial of adequate health care, education, equality, shelter, etc., impeded access to civil and political rights which in turn prevented individuals from claiming their economic, social and cultural rights.

8. Participants noted that poverty eradication was a moral, ethical and political imperative, and that the violation of the human dignity of people living in poverty demanded special attention. Poverty should also be recognized as an expression of social exclusion. It often represented a vicious circle, in which women were particularly vulnerable. It was held that structural elements of poverty related to every right in the International Covenant on Economic, Social and Cultural Rights, as well as to civil and political rights.

9. It was pointed out that the Secretary-General had called for the integration of human rights into all the programmes and work of the United Nations, including programmes of poverty alleviation. The United Nations family was increasingly addressing poverty through a rights-based approach. Such approach was not included in the United Nations Strategy for Halving Extreme Poverty by 2015 and its Options for Action, which were presented to participants. It was noted that a rights-based approach to poverty was explicitly referred to in the plan of action attached to the strategy, which advocated a concept of poverty that was "interlinked with fundamental human rights", and which stressed the usefulness of human rights conventions and treaties as a reference for discussing and addressing poverty issues, the progressive realization of human rights and the promotion of awareness among the poor of their rights and entitlements.

10. The rights-based approach was seen as integral to the process of linking development to the alleviation of poverty. The rights-based approach was complementary to the development-based approach to poverty eradication, and there was a call for the United Nations agencies to identify and respond to the obstacles to a rights-based approach in their poverty eradication efforts.

11. The participants emphasized that a rights-based approach to poverty alleviation would imply an emphasis on good governance, good leadership and empowerment of ordinary people. It was recognized and emphasized that obstacles to the alleviation of poverty were both of a national and international nature, and that there needed to be political will at all levels of government, including the international level. Many participants shared the view that, in the context of globalization, in addition to States, other actors including private and public international actors, should be accountable in terms of human rights. It was recognized that the extremely poor were excluded from the economy and that there was a need to expand space for those living in poverty in all areas of the economy and in political, social and cultural life. Some participants articulated the need to look not only to economic growth, but also to how it was shared. It was also noted that debt relief needed to be carried forward and that funds released should be used for poverty alleviation.

12. The participants agreed that there was a need for systematic stocktaking of how human rights principles applied to those in poverty; that entailed a stocktaking of existing commitments concerning poverty/extreme poverty and promoting their effective implementation. In addition to the adoption of various human rights instruments since the founding of the United Nations, in the past decade a number of targets have been agreed upon to tackle poverty. Most recently in the Millennium Declaration, the world community had committed itself to eradicate poverty, with a target of halving those whose income was less than US$ 1 a day by the year 2015. The need now was not for new norms or principles, but to clarify existing standards and interpret them in relation to poverty.

13. The link between rights-based and development-based approaches was raised. The question was often asked whether the rights-based approach, based upon entitlements, or the development-based approach, based upon capabilities, should be followed. Participants recognized their complementarity and that they were two sides of the same coin and needed to be promoted concurrently.

14. The challenge of globalization had a positive side, but participants agreed that there were major concerns surrounding its negative impact. In some instances, trade liberalization and moves towards a market economy had compounded the plight of marginalized groups, which were unable to compete economically, particularly in the absence of adequate safety nets. There was also a need to promote initiatives accessible to the poor, including the nurturing of self-reliance, to build on the resourcefulness of people living in poverty and to ensure their empowerment to deal with their own situation.

II. THE NEED FOR A TEXT ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

15. The participants noted the consensus of the 1999 meeting of experts of the Sub-Commission, which had recommended that a declaration on human rights and extreme poverty be drafted.[2] The participants in the seminar discussed whether there was a need for a new text on human rights and poverty/extreme poverty. The majority of them were in favour of a new document

16. The seminar discussed the possible forms of such a text. The following suggestions were made: a declaration, guiding principles or a declaration of guiding principles. Without making a firm commitment to any specific form of text, the majority of the participants were clearly in favour of the drafting of a document that addressed the clear links between human rights and poverty. There were calls for ensuring that it would be a participatory process in which representatives of the poor themselves played an integral part.

III. A TEXT ON HUMAN RIGHTS AND POVERTY/EXTREME POVERTY

Definition

17. The need for a simple definition of poverty/extreme poverty was noted by participants and a number of definitions were suggested. Although there was no internationally agreed definition, many participants took into account the definitions in current usage, including by United Nations agencies, and the need to define extreme poverty from the viewpoint of human rights, as a denial of human rights and human dignity, and deprivation of basic capabilities.

18. It was emphazised that poverty was more than a lack of income. Poverty did not refer only to material or economic deprivation, but also to other forms of ill-being, including powerless, voicelessness and experiencing shame, humiliation and exclusion in the political, social, and cultural domains.

Conceptual and normative issues

19. It was recognized that the normative framework necessary to address poverty through a rights-based approach already existed in the Universal Declaration of Human Rights, the two International Covenants, the Declaration on the Right to Development and other instruments, even though the term poverty was not used. A new text should build on those existing norms by applying them to specific aspects of poverty and the experiences of the poor, and reconfirm the interdependence and indivisibility of rights in relation to poverty eradication. The "Voices of the Poor" study,[3] which was based on interviews with 60,000 poor women and men from around the world, served as a basis for discussion on the interrelatedness of all rights. On the basis of the outcome of that study, it was recognized that poverty had both material and psychological dimensions which related to the full spectrum of human rights.

20. More concretely, it was noted that poor people experienced violations of a large range of rights, all of which would - if they were respected or fulfilled - contribute to moving them out of poverty. Part of the problem was identified as a lack of respect for the right to an adequate standard of living,[4] which made it more difficult for those living in poverty to take advantage of services that are being provided, or to benefit from development projects aimed at improving their situation.[5] In that sense, poverty is a structural problem, which cannot be solved without respect for human rights. The ability to exercise one's right to food, housing, clothing, medical care and education, through the exercise of the rights to participation, expression and other civil and political rights, is vital for the development of the individual and for society to eradicate poverty. All of these rights are already part of the normative framework of international human rights law, but need to be given focus in relation to poor people.

21. The participants agreed that poor people experienced low nutritional standards, lack of access to education and to housing, lack of adequate medical treatment, restrictions on their freedom of movement, etc. In order to remedy the situation, core human rights needed to be ensured. A comprehensive approach was required for that, an approach which was to be found both in the Universal Declaration and in the Declaration on the Right to Development.

22. Participants agreed that a new text should identify poor people as vulnerable group and pay specific attention to the feminization of poverty. Referring to major recent studies,[6] participants emphasized that women living in poverty suffer systemic and systematic discrimination and abuse. A new text should also highlight the multidimensional nature of poverty, its causes and consequences, and encapsulate existing norms interlinking human rights and poverty/extreme poverty. Participants felt such a text should underline the need to develop economic and political infrastructures that took human rights into account and that built on the qualitative criteria contained in existing human rights instruments.

23. It was emphasized that a new text would not create additional State obligations, but re-emphasize existing obligations and that a comprehensive approach to the rights of the poor would reinforce those already established obligations. A new text should thus add value to existing commitments and complement them. In that context, special attention was paid to the consensus that had emerged at the Social Summit in Copenhagen and more recently at the Millennium Assembly, which recognized the strong link between the realization of all human rights, including the right to development and poverty alleviation. A new text should be consistent with such an emerging consensus and would serve as a tool for advocacy for the international community to fulfil the existing commitments and goals for eradicating poverty, including in relation to private actors.

Operational issues

24. Participants unanimously stressed the need to respond to poverty in concrete terms, in particular in terms of accessibility, vulnerability and affordability.

25. The text should emphasize the need for participation by the poor in decision-making, and to build capacity for poor people to participate in society and governance. That would imply a need to work with people and to mobilize the poor themselves.

26. It was also seen as essential that a new text should not create new monitoring systems, but be a valuable addition to the existing monitoring systems. All actors involved in human rights monitoring and supervision should apply it.

27. Participants agreed that the text should include a "check-list" for people working in development assistance, to ensure a rights-based approach to poverty alleviation. It could cover issues such as the need for poverty alleviation guidelines at the national level, and for rights-based approaches to health care, family planning, housing policies, labour market interventions, social services, etc.

IV. STAKEHOLDERS AND ACTORS

28. It was clearly recognized that the main stakeholders were the poor themselves, and in that regard, the poor should be seen as the "central subject of the development process",[7] and participants in it. However, it was emphasized that a new text should be seen as a tool for a large variety of actors involved in poverty alleviation, general development activities and commercial activities affecting the lives of the poor. Therefore the participants saw such a text as being relevant for States, local authorities and municipal actors, international and national development agencies, international financial institutions, United Nations agencies, non-governmental organizations and community based organizations.

29. The High Commissioner of Human Rights, closing the seminar, emphasized the need to make the links between human rights and poverty explicit, so that human rights principles would be used both by the poor to know and claim their rights, and by the international community to provide special protection to those in extreme poverty. The High Commissioner stressed that human rights were crucial to poverty eradication because they set standards for the conduct of all actors, with a framework of accountability.

V. CONCLUSIONS AND RECOMMENDATIONS

30. The Expert Seminar on Human Rights and Extreme Poverty identified the need for new guiding principles, which would build on existing human rights norms and standards in a manner that explicitly addressed the phenomenon of extreme poverty, that clarified definitional issues within the framework of human rights and that set forth relevant operational and policy guidelines.

31. Participants emphasized that, in addition to reflecting the existing human rights instruments, new guiding principles need to draw from and build on the outcomes of the world conferences held in the past 10 years, and in particular the clear commitments contained in the Copenhagen Declaration and in the Millennium Declaration.

32. The participants expressed their opinion that a human-rights-based approach to poverty eradication was an integral part of a human rights-based approach to development and that the guiding principles would add considerable value as an interpretative instrument both for development work generally and poverty eradication more specifically.

33. Participants in the Expert Seminar on Human Rights and Extreme Poverty expressed their hope that the Commission on Human Rights would request the High Commissioner for Human Rights to consider in more detail the elements to be included in such guiding principles.

Notes

[1] General Assembly resolution 55/2 of 8 September 2000, para. 11.

[2] See Report of the Workshop on Human Rights and Extreme Poverty, Geneva, 30-31 August 1999 (E/CN.4/2000/52/Add.1).

[3] World Bank, Voices of the Poor, vols. I and II, 2000.

[4] International Covenant on Economic, Social and Cultural Rights, article 11.

[5] Final report on human rights and extreme poverty, submitted by the Special Rapporteur Mr. Leandro Despouy, E/CN.4/Sub.2/1996/13, 28 June 1996, para. 125.

[6] For example, World Bank, Voices of the Poor, op. cit.

[7] Preamble to the Declaration on the Right to Development, General Assembly resolution 41/128 of 4 December 1986.

Annex

LIST OF PARTICIPANTS

CHAIRMAN: Mr. Thomas Hammarberg, Ambassador, Sweden;

RAPPORTEURS: Mr. Vitit Muntarbhorn, Professor of Law, Chulalongkorn University, Thailand;

Mr. Sigrun Skogly, Lecturer in Law, University of Lancaster, United Kingdom;

Mr. Chaloka Beyani, Senior Lecturer in International Law, London School of Economics, United Kingdom;

Mr. Roberto Bissio, Social Watch;

Mr. Stephen Browne, Director, Social Development and Poverty Elimination Division, UNDP, and Chair of the United Nations Development Group on Poverty;

Mr. Mohand Cherifi, Coordinator, World Alliance of Cities Against Poverty (WACAP), UNDP;

Ms. Virginia Dandan, Chairperson of the Committee on Economic, Social and Cultural Rights;

Mr. Emmanuel Decaux, Professor of Law, Paris X, France;

Mr. Asbjørn Eide, Professor of Law, Member of the Sub-Commission on the Promotion and Protection of Human Rights, Chair of the Working Group on Minorities;

Ms. Tricia Feeney, OXFAM;

Mr. Charles Gore, Senior Economic Affairs Officer, leader of the LDCs report team, UNCTAD;

Ms. Gloria Kan, Chief, Intergovernmental Policy Branch/Division for Social Policy Development DESA;

Mr. Dorjee Kinlay, Economist, ESAF (Food Security and Agricultural Projects Analysis Service), Economic and Social Department, FAO;

Mr. Miloon Kothari, Special Rapporteur on the right to adequate Housing of the Commission on Human Rights, Habitat International Coalition, Housing and Land Rights Committee;

Ms. Anne-Marie Lizin, independent expert on human rights and extreme poverty of the Commission on Human Rights;

Mr. Ahmed Mahiou, Professor of Law, Aix-en-Provence, France;

Ms. Deepa Narayan, Principal Social Development Specialist, Poverty Division, Poverty and Economic Management Department, leader of the *Voices of the Poor* study, World Bank;

Ms. Shahra Razavi, Coordinator, Gender, Poverty and Well-being, UNRISD;

Mr. Ton Redegeld, ATD Quart Monde;

Mr. Eibe Riedel, Professor of Law, Mannheim, Germany; Member of the Committee on Economic, Social and Cultural Rights;

Mr. Rolph van der Hoeven, Head, Macro-economic and Development Policy Group, ILO;

Ms. Natalia Zakharova, Division for the Advancement of Women DESA;

The Governments of the following countries were represented at the expert seminar: Australia, Belgium, Brazil, Canada, China, Côte d'Ivoire, Ecuador, Egypt, France, Germany, Holy See, India, Israel, Italy, Japan, Latvia, Madagascar, Morocco, Mexico, Nepal, New Zealand, Pakistan, Philippines, Poland, Portugal, Sudan, Sweden, Russian Federation, United Kingdom, United States of America, Venezuela, Zambia.

The following United Nations bodies and agencies were also represented at the seminar: the Centre for Human Settlements (Habitat), the Economic Commission for Africa, the Non-Governmental Liaison Service, the United Nations Children's Funds, the United Nations Development Programme, the United Nations Population Fund, the World Bank, the World Health Organization, UNAIDS.

Representatives of the following non-governmental organizations also attended the seminar: Interfaith, Baha'i, International Community, International Confederation of Free Trade Unions, International Federation of Human Rights.